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Filing date: **08/11/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91185094
Party	Defendant Sagerian, Jean
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Submission	Answer
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Date	08/11/2008
Attachments	AnswerOpp91185094.pdf.pdf (4 pages)(62170 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Serial No. 77288830

Filed: July, 9, 2008

For Mark: N (Stylized)

Published in the Official Gazette: March 11, 2008

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BOSTON RED SOX BASEBALL	:	
CLUB LIMITED PARTNERSHIP,	:	
	:	
Opposer,	:	Opposition No. 91185094
	:	
v.	:	
	:	
JEAN SAGERIAN	:	
	:	
Applicant.	:	
-----	X	

Commissioner of Trademarks
Attention: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

APPLICANT'S ANSWER TO NOTICE OF OPPOSITION

Applicant Jean Sagerian ("Applicant"), hereby answers the Notice of Opposition, as follows:

1. As to paragraph 1, Applicant is without sufficient knowledge and information to form a belief therein, and thus, denies the allegation contained therein.
2. As to paragraph 2, Applicant is without sufficient knowledge and information to form a belief therein, and thus, denies the allegations contained therein.
3. As to paragraph 3, Applicant is without sufficient knowledge and information to form a belief therein, and thus, denies the allegations contained therein.
4. As to paragraph 4, Applicant is without sufficient knowledge and information to form

a belief therein, and thus, denies the allegations contained therein.

5. As to paragraph 5, applicant is without sufficient knowledge and information to form a belief there in, and thus denies the allegations contained therein. Further answering, Applicant is requesting the use of one stand alone letter of the alphabet (N) that is not uniquely similar to the stand alone letter of the alphabet (B), an example of a pleaded mark of the Opposer, Boston Red Sox Baseball Club Limited Partnership (“Opposer”)

6. As to paragraph 6, applicant is without sufficient knowledge and information to form a belief there in, and thus denies the allegations contained therein. Regarding the application date (September 25, 2007) and further answering, upon information and belief, the style of the pleaded marks of the Opposer has been used by numerous third parties in similarly related and unrelated fields in various medium (print, appliqué, silk screen, embroidery, web design, and body art, to name a few).

7. As to paragraph 7, denied. Further answering, Applicant alleges Applicant’s mark was first used on or about September 25, 2007.

8. As to paragraph 8, denied. Further answering, Opposer’s pleaded marks have a professional sports club connotation and Applicant’s mark is not associated with a sports related club or the support of a sports related club. Applicant’s mark is associated with a neighborhood reunion group where the mark would only hold meaning to people who once lived in a particular neighborhood during a particular time. As a gesture of goodwill, the Applicant respects the rights of the Opposer in opposing the application, therefore, while this request for trademark approval is being opposed, the Applicant will not use the stylized mark until this matter is decided.

9. As to paragraph 9, denied. Further answering, upon information and belief,

Applicant's mark does relate or suggest any relationship to any services provided by the Opposer and would not lessen Opposer's pleaded marks.

10. As to paragraph 10, denied. Further answering, Applicant's mark does suggest any connection with Opposer's Red Sox marks or services provided by the Opposer and would not cause confusion, mistake or deception and would not lessen or diminish Opposer's identity or marks or suggest a sponsorship or endorsement by Opposer.

11. As to paragraph 11, denied. Further answering, upon belief, Applicant's stylized N would not falsely suggest a connection between Applicant and Opposer as Opposer is suggesting that any similar distinctive stylized single letter of the alphabet would falsely suggest a connection with Opposer's pleaded marks.

12. As to paragraph 12, denied. Further answering, upon information and belief, Opposer claims a myriad of goods and services associated with their "distinctive and famous" Red Sox marks. These stylized marks are often seen applied to goods and services all over the globe by third parties in various medium and therefore there is no dilution or "blurring" of the Opposer's marks by Applicants individual mark.

Applicant contends that this opposition has no grounds and that the Opposer has not proven how they are likely to be damaged by the Applicant's mark.

Respectfully submitted,

By: /Jean Sagerian/
Jean Sagerian, Applicant
36 New Boston Road
Sturbridge, MA 01566
508-347-9126

Dated: August 11, 2008

CERTIFICATE OF SERVICE

I hereby certify that I sent a copy of the foregoing APPLICANT'S ANSWER TO NOTICE OF OPPOSITION via first class mail to Attorney for the Opposer, Mary L. Kevlin, Esq., Cowan, Liebowitz & Latman, P.C., 1133 Avenue of the Americas, New York, NY on August 11, 2008.

By: /Jean Sagerian/
Jean Sagerian